



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 6 2011

CERTIFIED MAIL 7005 2570 0001 4886 8625  
RETURN RECEIPT REQUESTED

Ms. Vonna Cloninger  
Chief Executive Officer, Biltmore Iron and Metal  
Company, Incorporated  
One Meadow Road  
Asheville, North Carolina 28803

Re: Administrative Order No. CWA 04-2011-4771  
NPDES Permit No. NCG200339

Dear Ms. Cloninger:

On March 2, 2011, the U.S. Environmental Protection Agency and the North Carolina Department of Environment and Natural Resources (NCDENR) performed a Compliance Stormwater Evaluation Inspection (CSWEI) of Biltmore Iron and Metal Company, Incorporated (BIMCO). The EPA's participation in this inspection was to evaluate BIMCO's compliance with the treatment and disposal of stormwater in accordance with the requirements of Sections 301 and 402(p) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1342(p), the regulations promulgated thereunder at 40 Code of Federal Regulations § 122.26 and the North Carolina *General Permit to Discharge Stormwater Under the National Pollutant Discharge Elimination System* Permit No. NCG200000 (Permit), effective January 1, 2010, with an expiration date of December 31, 2014. The CSWEI revealed that BIMCO failed to comply with the requirements of the Permit and CWA as outlined in the enclosed CSWEI report and Administrative Order (AO).

As a result of the CSWEI and pursuant to Sections 308 and 309(a) of the CWA, 33 U.S.C. §§ 1318 and 1319(a), the Director of the Water Protection Division, EPA Region 4, has determined that BIMCO is in violation of Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p). As a result, the Director has issued the enclosed AO.

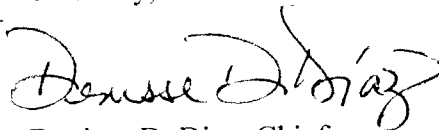
This AO does not replace, modify or eliminate any other requirement of the CWA or the Permit. Notwithstanding the issuance of this AO, the EPA retains the right to bring further enforcement action under Sections 309(d) or 309(g) of the CWA, 33 U.S.C. §§ 1319(d) or 1319(g), for the violations cited therein or for any other violation of the CWA. Violations of the CWA, including requirements contained in a National Pollutant Discharge Elimination System (NPDES) permit or an AO issued under Section 309(a) of the CWA, remain subject to a civil penalty of up to \$37,500 per day for each violation, pursuant to Sections 309(d) or 309(g) of the CWA, 33 U.S.C. §§ 1319(d) or 1319(g), as amended by the *Civil Monetary Penalty Inflation Adjustment Rule*, 73 Fed. Reg. 75340 (December 11, 2008). Such violations may also be subject to criminal penalties pursuant to Section 309(c) of the CWA, 33 U.S.C. § 1319(c).

In order to resolve BIMCO's liability for civil penalties, the EPA is offering your company the opportunity to discuss the violations in the AO. The EPA requests that representatives of BIMCO contact Ms. Susan Pope of my staff, at (404) 562-9770 within five (5) days of receipt of this letter to make arrangements for representatives to discuss the violations and the EPA's possible enforcement action. In lieu of appearing in the EPA's office for this meeting, a telephone conference may be scheduled. Representatives should be prepared to provide all relevant information with documentation, pertaining to the above referenced violations including, but not limited to, any financial information which may reflect an ability to pay a penalty. You have the right to be represented by legal counsel. Failure to appear may result in enforcement action against your company.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* for your use and to assist you in understanding the compliance assistance resources and tools available to you. However, any decision to seek compliance assistance at this time does not relieve you of your obligation to the EPA, does not create any new rights or defenses, and will not affect the EPA's decision to pursue enforcement action. In addition, the Securities and Exchange Commission requires its registrants to periodically disclose environmental legal proceedings in statements filed with the Commission. To assist you, the EPA has also enclosed a document entitled *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*.

Should you have any questions concerning the requirements contained in the enclosed AO, please contact Ms. Pope or address written comments to the address on the letterhead. Legal inquiries should be directed to Mr. Rolando Bascumbe, Associate Regional Counsel, at (404) 562-9545.

Sincerely,

A handwritten signature in black ink, appearing to read "Denisse D. Diaz", is written over a horizontal line.

Denisse D. Diaz, Chief  
Clean Water Enforcement Branch  
Water Protection Division

Enclosures

cc: Ms. Coleen H. Sullins  
NCDENR



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REGION 4

ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

JUL 6 2011

CERTIFIED MAIL 7005 2570 0001 4886 8632  
RETURN RECEIPT REQUESTED

Ms. Coleen H. Sullins  
Director, Division of Water Quality  
North Carolina Department of Environment  
and Natural Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

Re: Administrative Order No. CWA 04-2011-4771  
National Pollutant Discharge Elimination System Permit No. NCG200339  
Biltmore Iron and Metal Company, Incorporated  
Asheville, North Carolina

Dear Ms. Sullins:

Pursuant to Sections 308 and 309(a) of the Clean Water Act (CWA), 33 U.S.C. §§ 1318 and 1319(a), I have determined that the above referenced facility is in violation of Section 402(p) of the CWA, 33 U.S.C. § 1342(p). As a result, I have issued an Administrative Order (AO), a copy of which is enclosed for your reference. The AO is presently being served. Also enclosed is a copy of the Compliance Stormwater Evaluation Inspection performed at the site.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Giattina", written over a horizontal line.

James D. Giattina  
Director  
Water Protection Division

Enclosures



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

<b>IN THE MATTER OF:</b>	) <b>ADMINISTRATIVE ORDER</b>
	)
<b>BILTMORE IRON AND METAL CO., INC.</b>	)
<b>ASHEVILLE, NORTH CAROLINA</b>	) <b>DOCKET NO. CWA-04-2011-4771</b>
<hr style="width:40%; margin-left:0"/>	)

**ADMINISTRATIVE ORDER**

**I. Statutory Authority**

1. Section 309(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(a), provides that, whenever the U.S. Environmental Protection Agency finds that any person is in violation of any condition or limitation which implements, *inter alia*, Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, the EPA may issue an order requiring such person to comply with such condition or limitation, and shall specify a time for compliance that the EPA determines to be reasonable.

2. The following Findings are made and Order issued pursuant to the authority vested in the EPA by Section 309(a) of the CWA, 33 U.S.C. § 1319(a), as amended. This authority has been delegated to the Regional Administrator of EPA, Region 4, and further delegated by the Regional Administrator to the Director of the Water Protection Division, EPA, Region 4.

**II. Findings**

3. Biltmore Iron and Metal Company, Incorporated ("BIMCO"), is a corporation duly organized and existing under the laws of the State of North Carolina and, therefore, is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

4. At all times relevant to this action, BIMCO owned and/or operated a scrap metal facility located at 1 Meadow Road in Asheville, North Carolina.

5. To accomplish the objective of the CWA, defined in Section 101(a) of the CWA, 33 U.S.C. § 1251(a), to restore and maintain the chemical, physical and biological integrity of the nation's waters, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into waters of the United States except as in compliance with a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

6. Section 402 of the CWA, 33 U.S.C. § 1342, establishes an NPDES Permit Program authorizing the EPA or authorized states to administer the NPDES Permit Program, including the issuance of NPDES permits allowing for the discharge of pollutants, including stormwater, into navigable waters subject to specific terms and conditions. The EPA has granted the State of North Carolina, through the Department of Environment and Natural Resources ("NCDENR"), approval to issue NPDES permits pursuant to Section 402(b) of the CWA.

7. The NCDENR issued *General Permit to Discharge Stormwater Under the National Pollutant Discharge Elimination System*, Permit No. NCG200000 ("Permit") for establishments primarily engaged in assembling, breaking up, sorting and whole trade of scrap metal (Standard Industrial Classification ("SIC") 5093 and areas at scrap metal recycling facilities which are used to process other scrap materials (plastic, paper, glass, rubber and textiles) or used for vehicle maintenance activities, in accordance with North Carolina General Statute 143-215.1 and the CWA. The Permit was effective January 1, 2010, and shall expire on December 31, 2014.

8. The NCDENR Division of Water Quality is responsible for the approval of coverage under the Permit upon receipt of a Notice of Intent ("NOI").

9. On February 11, 2010, BIMCO received coverage under the Permit from NCDENR. The Permit shall expire on December 31, 2014.

10. Part II.A.1 of the Permit requires the development of a Stormwater Pollution Prevention Plan ("SWPPP") which shall include:

A. a site plan which provides a description of the physical facility and the potential pollutant sources which may be expected to contribute to contamination of stormwater discharges;

B. a general location map showing the facility's location in relation to transportation routes and surface waters, the name of the receiving water, and accurate latitude and longitude of the point(s) of discharge;

C. a narrative description of storage practices, loading and unloading activities, outdoor process areas, dust or particulate generating or control processes, waste disposal practices and a description of the potential pollutants which could be expected to be present in the any stormwater discharge from each outfall; and

D. a site map depicting the site property boundary, the stormwater discharge outfalls, all on-site and adjacent surface waters and wetlands, industrial activity areas, site topography, all drainage features and structures, drainage areas for each outfall, direction of flow in each drainage area, industrial activities occurring in each drainage area, buildings, existing Best Management Practices ("BMPs"), impervious surfaces and a distance legend indicating the percentage of each drainage area that is impervious.

11. Part II.A.2 of the Permit requires the SWPPP to include a Stormwater Management Plan which contains a narrative description of the materials management practices which control or minimize the exposure of significant materials to stormwater, including structural and nonstructural measures. The Stormwater Management Plant shall include:

A. a feasibility study to include a review of the technical and economic feasibility of changing the methods of operations and/or storage practices to eliminate or reduce exposure of materials and processes to stormwater. Wherever practical, BIMCO shall prevent exposure of all storage areas, material handling operations, and manufacturing or fueling operations. In areas where elimination of

exposure is not practical, the stormwater management plan shall document the feasibility of diverting stormwater runoff away from areas of potential contamination; and

B. a listing of site structural and non-structural BMPs. A BMP Summary shall include a written record of the specific rationale for installation and implementation of the selected site BMPs and shall be reviewed and updated annually.

12. Part II.A.3 of the Permit requires a Spill Prevention and Response Plan ("SPRP"), contained in the SWPPP, which shall incorporate an assessment of potential pollutant sources based on a materials inventory of the facility. The SPRP team shall be identified in a written list incorporated into the SPRP signed and dated by each individual acknowledging their responsibilities for the SPRP. An oil Spill Prevention Control and Countermeasure Plan "SPCC") may be a component of the SPRP.

13. Part II.A.4 of the Permit requires the SWPPP to include a preventative maintenance and good housekeeping program which shall list all stormwater control systems, stormwater discharge outfalls, on-site and adjacent surface waters and wetlands, industrial activity areas, drainage features and structures and existing BMPs. The program shall establish schedules of inspections, maintenance and housekeeping activities of stormwater controls systems, facility equipment, facility areas and facility systems that present a potential for stormwater exposure or pollution. Inspection of material handling areas and regular cleaning schedules of these areas shall be incorporated into the program. Timely compliance with the established schedules for inspections, maintenance and housekeeping shall be recorded in writing and maintained in the SWPPP.

14. Part II.A.5 of the Permit requires the SWPPP to contain a training program that provides, at a minimum, annual training for facility personnel with responsibilities for: spill response and cleanup, preventative maintenance activities and for any of the facility's operations that have the potential to contaminate stormwater runoff. Facility personnel responsible for implementing the training shall be identified and their annual training shall be documented by the signature of each employee trained.

15. Part II.A.7 of the Permit requires amendment to the SWPPP whenever there is a change in design, construction, operation or maintenance which has a significant effect on the potential for the discharge of pollutants to surface waters. All aspects of the SWPPP shall be reviewed and updated on an annual basis. The annual update shall include: an updated list of significant spills or a statement that no spills have occurred; written re-certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges; and a documented re-evaluation of the effectiveness of the BMPs listed in the BMP Summary of the Stormwater Management Plan.

16. Part II.A.8 of the Permit requires inspections of the facility and all stormwater systems as part of the Preventative Maintenance and Good Housekeeping Program on at least a semi-annual schedule; once during the first half of the year (January to June) and once in the second half of the year (July to December), with at least sixty (60) days separating inspection dates (unless performed more frequently than semi-annually).

17. Part II.B of the Permit requires analytical monitoring of stormwater discharges at least twice per year via grab samples for pH, Chemical Oxygen Demand ("COD"), Total Suspended Solids ("TSS"), Oil and Grease, Total Recoverable Cadmium, Total Recoverable Copper, Total Recoverable

Iron, Total Recoverable Lead, Total Recoverable Zinc and Total Rainfall. All analytical monitoring shall be performed during a representative storm event at each stormwater discharge outfall and shall not exceed the benchmark values contained in Table 3 of the Permit. Exceedance of the benchmark values require the permittee to increase monitoring, increase management actions, increase recordkeeping, and/or install stormwater BMPs as required in the tiered program contained in the Permit.

18. Part II.C of the Permit requires qualitative monitoring which includes visual inspection of each stormwater outfall regardless of representative status at least twice per year during a representative storm event. If the qualitative monitoring indicates either that the existing stormwater BMPs are ineffective, or that significant stormwater contamination is present, the permittee shall investigate potential courses, evaluate the feasibility of corrective actions, and implement those corrective actions appropriate. A written record of the investigation, evaluation and response actions shall be kept in the SWPPP.

19. Part III.C.1 of the Permit requires proper operation and maintenance of all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

20. Part III.D of the Permit contains the requirements for monitoring, sampling, recording sampling results, test procedures and records retention.

21. On March 2, 2011, representatives of the EPA, in conjunction with NCDENR, performed a Compliance Stormwater Evaluation Inspection ("CSWEI") at BIMCO to evaluate the treatment and disposal of stormwater in accordance with the CWA, the regulations promulgated thereunder at 40 Code of Federal Regulations ("C.F.R.") § 122.26 and the Permit.

22. As a result of the CSWEI, the EPA, Region 4 determined that stormwater associated with industrial activity was discharged from BIMCO within the meaning of Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and its implementing regulations into an unnamed tributary of the Swannanoa River, a water of the United States.

23. During the CSWEI, the EPA inspectors provided a copy of an "NPDES Inspection Observation Form" to BIMCO representatives. As noted on the "NPDES Inspection Observation Form" and in the CSWEI Report, the following was observed:

- A. BIMCO failed to develop and implement a SWPPP in accordance with Part II.A.1 of the Permit. Specifically, BIMCO failed to: sign and date the SWPPP; develop a site plan; develop a general location map; provide a narrative description of storage practices, loading and unloading activities, outdoor process areas and waste disposal areas; and develop a site map.
- B. BIMCO failed to develop a Stormwater Management Plan in accordance with Part II.A.2 of the Permit. The Stormwater Management Plan should have included a narrative description of the materials management practices; a feasibility study; and a BMP Summary.



- C. BIMCO failed to develop SPRP and SPCC Plans in accordance with Part II.A.3 of the Permit.
- D. BIMCO failed to include a preventative maintenance and good housekeeping program in its SWPPP as required by Part II.A.4 of the Permit.
- E. BIMCO failed to provide a training program in the SWPPP as required by Part II.A.5 of the Permit.
- F. BIMCO failed to review and update its SWPPP on an annual basis as required by Part II.A.7 of the Permit.
- G. BIMCO failed conduct inspections on a semi-annual basis as required by Part II.A.8 of the Permit. Specifically, the inspections for 2009 were not available.
- H. BIMCO failed to conduct all analytical monitoring as required by Part II.B of the Permit. Specifically, the data for 2009 was not available. Only one sample was collected for 2010. For that one 2010 sample, the benchmark values for COD, Total Recoverable Cadmium and Total Recoverable Lead were exceeded. No samples were analyzed for pH, Oil and Grease, Total Recoverable Copper and Total Recoverable Zinc.
- I. BIMCO failed to conduct all qualitative monitoring and visual inspections required by Part II.C of the Permit.

24. On February 18, 2008, NCDENR sent BIMCO a Notice of Violation ("NOV") requiring the modification of the SWPPP and sampling per permit requirements. NCDENR issued another NOV on April 11, 2011, noting violations of the SWPPP and monitoring requirements of the Permit. In response BIMCO provided a response on May 2, 2011, stating that the SWPP had been updated and that qualitative monitoring had been submitted to NCDENR.

25. Therefore, BIMCO has violated Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p), by failing to comply with the NCDENR Permit.

### **III. Order**

26. Based on the foregoing Findings and pursuant to the authority of Sections 308 and 309(a) of the CWA, 33 U.S.C. §§ 1318 and 1319(a), IT IS HEREBY ORDERED that BIMCO comply with the following requirements:

- A. Immediately upon receipt of this Order, as required by Part II.A.1, Part II.A.2, Part II.A.3, Part II.A.4, Part II.A.5 and Part II.A.7 of the Permit, develop and implement a SWPPP. Specifically, ensure that all

requirements of the SWPPP are incorporated, including: sign and date the SWPPP; sign and date the non-stormwater certification statement; a site plan; a general location map; a narrative description of storage practices, loading and unloading activities, outdoor process areas and waste disposal areas; a site map; a Stormwater Management Plan; SPRP and SPCC Plans; a preventative maintenance and good housekeeping program; a training program; and review and update the SWPPP on an annual basis. Within thirty (30) days of the date of receipt of this Order, submit a copy of the updated SWPPP which includes all the requirements of this Paragraph.

- B. Immediately upon receipt of this Order, institute an inspection program in accordance with Part II.A.8 of the Permit. The inspection program shall include inspections of the facility and all stormwater systems on at least a semi-annual basis, as part of the Preventative Maintenance and Good Housekeeping Program, with copies of inspections being kept with the SWPPP. Provide copies of these inspections for second half of 2011 and the first half of 2012 within ten (10) days of completion of the inspection.
- C. Immediately upon receipt of this Order, institute an analytical monitoring program in accordance with Part II.B of the Permit. Ensure that all parameters required by the Permit are sampled and the analyses provided on a DMR form. Provide copies of DMRs for the January-June 2011 and July-December 2011 monitoring period within thirty (30) days of completion of the sampling and analysis.
- D. Immediately upon receipt of this Order, provide the Tier One review and responses required by the Permit for exceeding the benchmarks in the 2010 monitoring of COD, Total Recoverable Cadmium and Total Recoverable Lead. Within thirty (30) days of the date of receipt of this Order, submit documentation that this requirement of the Order has been met.
- E. Immediately upon receipt of this Order, institute a qualitative monitoring and visual inspection program in accordance with Part II.C. of the Permit. Provide copies of qualitative monitoring and visual inspection reports for the second half of 2011 and the first half of 2012 within ten (10) days of completion.

27. BIMCO may submit a request for any extension of time to comply with the requirements of this Order in writing. Such request must include the reasons for the extension request and a date when compliance will be achieved. Any extension must be approved by the EPA in writing to be effective.

28. All reports, notifications, documentation and submittals required by this Order shall be signed by a duly authorized representative of BIMCO as specified by 40 C.F.R. §§ 122.22(b)(2) and (d) and shall include the following statement:

"I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

29. All reports, notifications, documentation and submittals required by this Order shall be sent by certified mail or its equivalent to the following addresses:

Denisse D. Diaz, Chief  
Clean Water Enforcement Branch  
Water Protection Division  
ATTN: Susan Pope  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

and

Coleen H. Sullins  
Director, Division of Water Quality  
North Carolina Department of Environment and Natural Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

#### **IV. General Provisions**

30. Failure to comply with the requirements herein shall constitute a violation of this Order and the CWA, and may subject BIMCO to penalties as provided in Section 309(d) of the CWA, 33 U.S.C. § 1319(d).

31. This Order shall not relieve BIMCO of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any other federal, state or local permit. Compliance with this Order shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by the EPA.

32. Nothing in this Order shall be construed as prohibiting, altering, or in any way limiting the ability of the United States to seek any other remedies or sanctions available by virtue of BIMCO's violation of this Order or of the statutes and regulations upon which this Order is based, or for BIMCO's violation of any other federal or state statute, regulation or permit.

33. Nothing in this Order is intended to nor shall be construed to operate in any way to resolve any criminal liability of BIMCO, or other liability resulting from violations that were not alleged in this Order. The United States does not waive any right to bring an enforcement action against BIMCO for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment or to pursue criminal enforcement.

34. This Order applies to and is binding upon BIMCO and its officers, directors, employees, agents, successors and assigns.

35. Any change in the legal status of BIMCO, including but not limited to any transfer of assets of real or personal property, shall not alter BIMCO's responsibilities under this Order.

36. Pursuant to Section 309(a)(4) of the CWA, 33 U.S.C. § 1319(a)(4), the EPA has sent a copy of this Order to the State of North Carolina.


37. The provisions of this Order shall be deemed satisfied upon a determination by the EPA that BIMCO has fully completed and implemented the actions required by this Order.

#### **V. Effective Date**

38. The effective date of this Order shall be the date upon which it is received by BIMCO.

**IT IS SO ORDERED,**

**BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 4:**

  
\_\_\_\_\_  
James D. Giattina  
Director  
Water Protection Division

Date: \_\_\_\_\_



Water Compliance Inspection Report

Section A: National Data System Coding (i.e., PCS)

Transaction Code N	NPDES NCG200339	yr/mo/day 11/03/02	Inspection Type	Inspector J	Fac Type
Remarks					
Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	-----Reserved-----	

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time/Date	Permit Effective Date
Biltmore Iron and Metal Co., Inc. 1 Meadow Rd. Asheville, NC 28803	2:55 P.M.-03/02/11	02/11/2010
	Exit Time/Date	Permit Expiration Date
	5:30 P.M.-03/02/11	12/31/2014
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data (e.g., SIC NAICS, and other descriptive information)	
Vonna Cloninger, C.E.O. Biltmore Iron and Metal Co., Inc. 1 Meadow Rd. Asheville, NC 28803 Tel. (828)253-9317, Fax (828)253-9685	Other representatives present during the inspection:  Susan Wilson- NC DWQ Jeff Cloninger- Biltmore Iron and Metal Co., Inc.	
Name, Address of Responsible Official/Title/Phone and Fax Number		
Vonna Cloninger, C.E.O. Biltmore Iron and Metal Co., Inc. 1 Meadow Rd. Asheville, NC 28803 Tel. (828)253-9317, Fax (828)253-9685		

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> MS4
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pollution Prevention	
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water	
<input type="checkbox"/> Effluent/Receiving Waters	<input type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow	
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes	SEV Description
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

Name(s) and Signature(s) of Inspector(s)  Ataceli Bonilla	Agency/Office/Phone and Fax Numbers  USEPA Region 4/VPD-CWEB-SWRES Ph: (404) 562- 9 Fax: (404) 562-9729	Date  6/13/11
Signature of Management QA Reviewer  Christopher L. Plymale, Chief, Stormwater and Residuals Enforcement Section	Agency/Office/Phone and Fax Numbers  USEPA Region 4/VPD-CWEB Ph: (404) 562-9794 Fax: (404) 562-9729	Date  6-13-11

## Section E: NPDES Industrial Storm Water Worksheet (North Carolina)

1. FACILITY LOCATION INFORMATION					
GPS Coordinates	Latitude	35° 34' 10" N	Longitude	82° 32' 46" W	
Receiving Water(s) or MS4 Tributary of Swannanoa River	Site Acreage: 3 acres		Weather Condition: Sunny, Mild		
Date of NOI	SIC Code(s) 5093	Date of Permit Coverage (1 wk after NOI date or immediate if previous permit coverage existed)	02/11/10	Discharge to 303(d) listed or TMDL waters	No

2. BASIC STORMWATER POLLUTION PREVENT PLAN (Plan) INFORMATION-Part II			
	YES	NO	N/E
Plan on-site?	X		
Plan has date and signature? The Plan was not signed at the time of the inspection. However, an updated with the signature was provided signed and dated March 7, 2011.		X	
Plan contain site map w/drainage area, structural controls, materials/areas exposed to precipitation, storage areas, surface water bodies, locations of major spills/leaks, locations exposed to precipitation, and storm water outfall? Part II.A.1(a)-(c)		X	
Plan include list of significant spills or leaks previous 3 yrs & corrective actions? None were recorded in the past 3 years. Part II.A.1.(d)	X		
Plan contains Certification of non-stormwater evaluation? The non-stormwater certifications were missing for 2009 and 2010. Part II.A.1(e)		X	
Stormwater Management Plan containing narrative of mat'l's mgmt developed w/feasibility study, secondary containment rqmts & records, & BMP summary? Part II.A.2		X	
Spill Prevention & Response Plan? Part II.A.3		X	
Spill Prevention & Countermeasure Plan (SPCC)? Date?		X	
Preventative Maintenance and Good Housekeeping Program w/list of sw controls, outfalls, surface waters, ind activity areas, drainage features & structures, existing BMPs, schedule for inspections, maintenance & housekeeping, facility areas? Part II.A.4		X	
Plan contains description/frequency for employee training? Part II.A.5		X	
Pollution Prevention Team named in Plan? Part II.A.6	X		
Plan modified or update to current conditions? Part II.A.7		X	

*A copy of Plan may be brought back to office for a complete review*

### 3. SITE DESCRIPTION and Plan

The site is a scrap metal facility that receives scrap metal material such as household, commercial (construction sites), and car (less than 3%) scrap. Once the scrap metal is received, it is collected, handled, sorted, and processed. Processed scrap metal is shipped from the facility by truck or rail car.

There is a catch basin behind the maintenance shop that collects a portion of the stormwater flow from the site, Photo #11. The catch basin does not have an outfall. Three (3) 275 gallon tanks and one (1) 150 gallon tank were observed near the vehicle fluid draining area outside of the maintenance shop, Photos #2, 3, and 5. There were also a few hydraulic fluid and oil tanks inside the maintenance shop, Photos #6 and 7. A 500 gallon dual walled tank was observed near the catch basin, Photo #10. Oil staining was observed near the vehicle fluid draining area, Photos #1 and 4. A small antifreeze fluid spill was seen on the southeastern portion of the site, Photo #36. Mr. Jeff Cloninger stated that there was a drainage ditch just west of the railroad tracks that collected stormwater and directed it towards the Outfall #001, Photos #29, 30, and 31. The drainage ditch was very shallow and

did not appear to provide adequate drainage for the site.

Biltmore Iron and Metal Co., Inc. (BIMCO) was issued an NOV on February 18, 2008 by NC DWQ. The NOV findings included the need to modify and update the Stormwater Pollution Prevention Plan (Plan) to current conditions and to begin sampling per the permit requirements. At the time of the inspection, it was noted that the Plan was not updated to reflect the current conditions nor was it updated annually. Semi-annual routine inspections and analytical sampling records were not available at the time of the inspection for 2009. Only one semi-annual inspection and sampling record for 2010 was reviewed. The one analytical sample was collected March 22, 2010, and some of the required parameters were not analyzed. Some of the benchmarks were exceeded such as, COD, total recoverable cadmium, and total recoverable lead. Other sampling parameters were not analyzed such as pH, Oil and Grease, total recoverable copper, and total recoverable zinc.

#### 4. RECORD REVIEW

Record Review:	YES	NO	N/E
Representative on-site	X		
Semi-annual (J-J & J-D) routine inspections conducted of facility & sw systems? Missing 2009 records Part II.A.8		X	
Semi-annual Analytical Sampling Reports on-site? Missing 2009 records Part II.B.		X	
Analytical Sampling Non-compliance? Proceed w/ Tier One, Tier Two, or Tier Three?	X		
Visual Inspections during analytical sampling? Part II.C.		X	
Inspection reports complete and adequate?		X	
Records of employee training on-site?		X	
On Site Vehicle Maintenance? Part II.D.			X

#### 5. SITE EVALUATION & PLAN IMPLEMENTATION

Pollutant Sources	Note location, quantitative description, design issue, O&M deficiencies (including the nature and extent), and pollutants off-site
Loading/Unloading Area	There was loading/unloading area with a scale near the main office, Photo #9.
Outdoor Storage Facilities	A majority of the property was used for outside storage/processing operations of scrap metal materials, Photos #12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 32, 33, 34, 35, 37, 38, and 39.
Outdoor Manufacturing/Processing Operations	See above "Outdoor Storage Facilities" However, there were indoor processing operations inside the non-ferrous warehouse that included a baler for soda can compaction, Photos #40 and 41.
Dust Generating Activities (Dirt roads? Dust control plan?)	Not applicable.
Waste Treatment/Storage/Disposal Areas	Three (3) 275 gallon tanks and one (1) 150 gallon tank were observed near the vehicle fluid draining area outside of the maintenance shop, Photos #2, 3, and 5.
Fueling/Equipment Maintenance areas & Cleaning areas	There was a maintenance shop located on the northeastern portion of the site. There was a few hydraulic fluid and oil tanks inside the maintenance shop, Photos #6 and 7.

Management of Run-off Controls (Storage areas, diversion ditches, dumpsters, secondary containment, etc....)	There is a catch basin behind the maintenance shop that collects a portion of the stormwater flow from the site, Photo #11. The catch basin does not have an outfall. . Mr. Jeff Cloninger stated that there was a drainage ditch just west of the railroad tracks that collected stormwater and directed it towards the Outfall #001, Photos #29, 30, and 31. The drainage ditch was very shallow and did not appear to provide adequate drainage for the site.
Sediment & Erosion Controls (BMPs)	Not applicable
Spills/Leaks Handling	Oil staining was observed near the vehicle fluid draining area, Photos #1 and 4. A small antifreeze fluid spill was seen on the southeastern portion of the site, Photo #36.

#### 6. OUTFALL, STORM WATER DISCHARGE & RECEIVING WATER OBSERVATIONS

Outfall, Stormwater Discharge & Receiving Water	YES	NO	
Number & location of stormwater discharge(s)/outfall(s) consistent with the Map	X		Describe: Mr. Jeff Cloninger stated that there was a drainage ditch just west of the railroad tracks that collected stormwater and directed it towards the Outfall #001, Photos #29, 30, and 31. The drainage ditch was very shallow and did not appear to provide adequate drainage for the site. Outfall #001 discharged to an unnamed tributary of the Swannanoa River, Photos #27 and 28.
Evidence of off-site accumulation of pollutants observed in receiving water		X	Describe: Not applicable
Other discharges or potential discharges off-site (not through permitted outfalls)		X	Describe: Not applicable
Non-storm water discharge observed		X	Describe: Not applicable



Additional inspection summary, narrative, findings, comments, photos, and schematic diagram of the facility area as necessary:

Exit interview conducted with: Vonna Cloninger with BIMCO at 5:30 P.M.

**PHOTO LOG:**

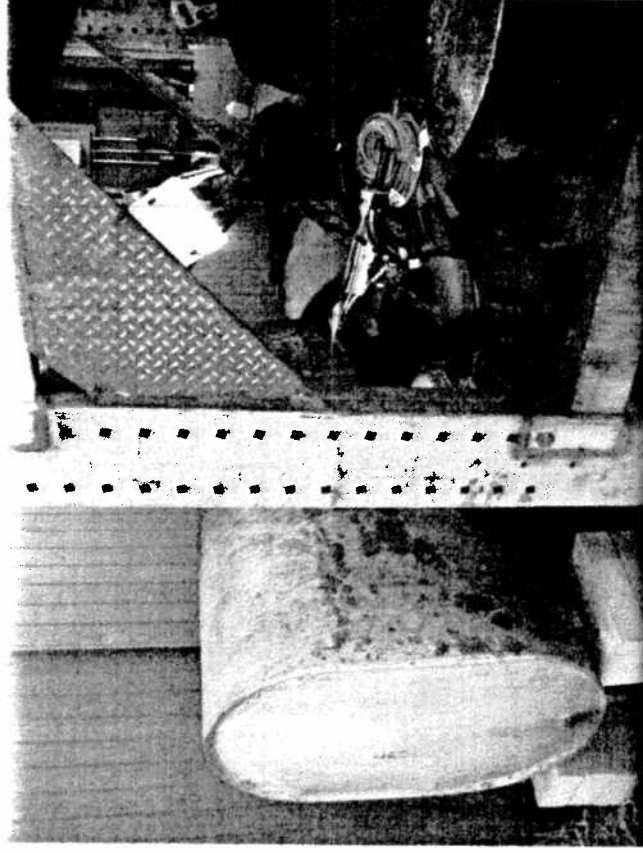
- Photo #1- View of a car being drained of fluids (transmission, oil, etc.) near the maintenance shop.
- Photo #2- View of tank used to store transmission fluids, used oil, gasoline and antifreeze.
- Photo #3- View of tanks looking west.
- Photo #4- View oil staining near the car that was being drained of fluids in Photo #1.
- Photo #5- Another view of the tanks looking northeast.
- Photo #6- Another fuel tank located inside the maintenance shop.
- Photo #7- Engine oil tank located inside the maintenance shop.
- Photo #8- View looking east of the car in Photo #1. Note tire storage outside the maintenance shop.
- Photo #9- View of drop-off area near the non-ferrous warehouse.
- Photo #10- 500 gallon dual walled diesel tank outside the maintenance shop.
- Photo #11- Catch basin south of the maintenance shop. The basin does not have an outfall.
- Photo #12- View of cars south of the catch basin.
- Photo #13- View household scrap metal west of the catch basin.
- Photo #14- Another view of the scrap metal behind the non-ferrous warehouse.
- Photo #15- Scrap metal beside the railroad tracks.
- Photo #16- More scrap metal west of the railroad tracks.
- Photo #17- Closer view of Photo #16. Note the car engines and vehicle scrap.
- Photo #18- Scrap metal south of the non-ferrous warehouse.
- Photo #19- Scrap metal near the McDowell St. bridge.
- Photo #20- View of the southern perimeter of the property near McDowell St. bridge.
- Photo #21- Scrap mufflers on the southeast portion of the property.
- Photo #22- View looking south of scrap metal on the railroad tracks.
- Photo #23- Another view of the scrap metal on the railroad tracks.
- Photo #24- View of scrap metal east of the railroad tracks.
- Photo #25- View of area east of the railroad tracks.
- Photo #26- View of the BIMCO property taken from the location of Photo #25 looking west.
- Photo #27- Upstream view of the tributary of the Swannanoa River.
- Photo #28- Downstream view of the tributary of the Swannanoa River.
- Photo #29- Outfall #001 at the tributary of the Swannanoa River. (Lat: 35° 34' 08" N, Long: 82° 32' 46" W)
- Photo #30- View of inlet to the pipe known as Outfall #001. Note there is a shallow ditch just south of the inlet.
- Photo #31- Closer view of the inlet described in Photo #30.
- Photo #32- View of area just west of the inlet in Photo #31. Note the piled up scrap metal.
- Photo #33- View of scrap metal on the southwestern portion of the site.
- Photo #34- Closer view of the scrap metal in Photo #33.
- Photo #35- View of the property looking north.
- Photo #36- View of antifreeze spill on the southeastern portion of the property.
- Photo #37- View looking north of scrap metal being loaded onto truck.
- Photo #38- View of empty gas tanks and other scrap metal in bins outside the non-ferrous warehouse.
- Photo #39- Closer view of Photo #38. Note ballasts were observed in the bins. However, they did not contain PCBs per Mr. Jeff Cloninger.
- Photo #40- View inside the non-ferrous warehouse on the northeastern portion of the property.
- Photo #41- Another view of Photo #40
- Photo #42- View of BIMCO entrance facing Meadow Rd.



# Biltmore Iron and Metal Co.



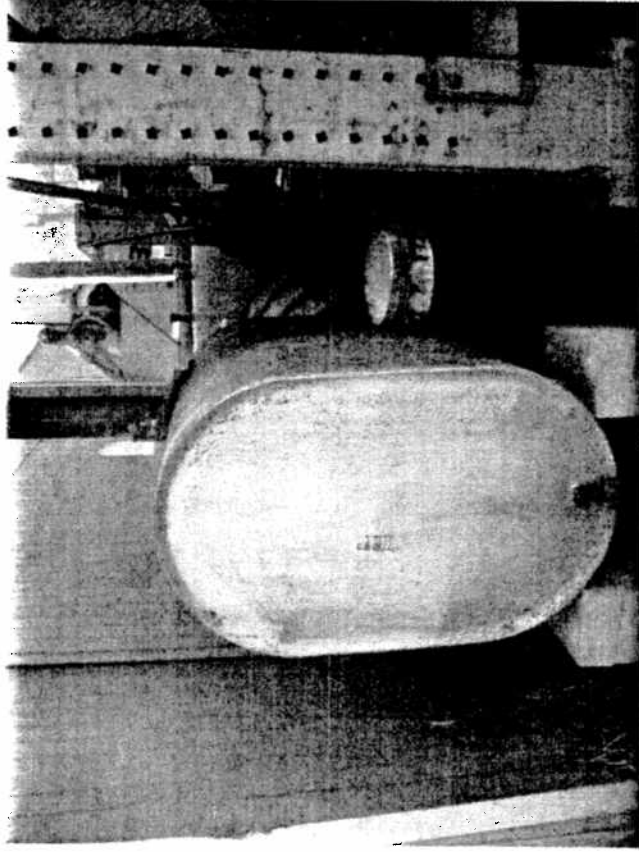
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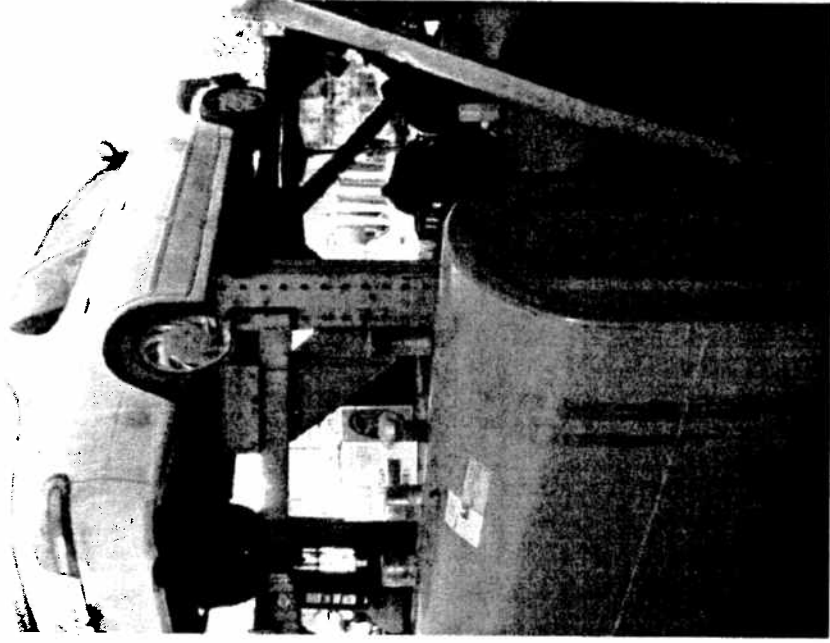
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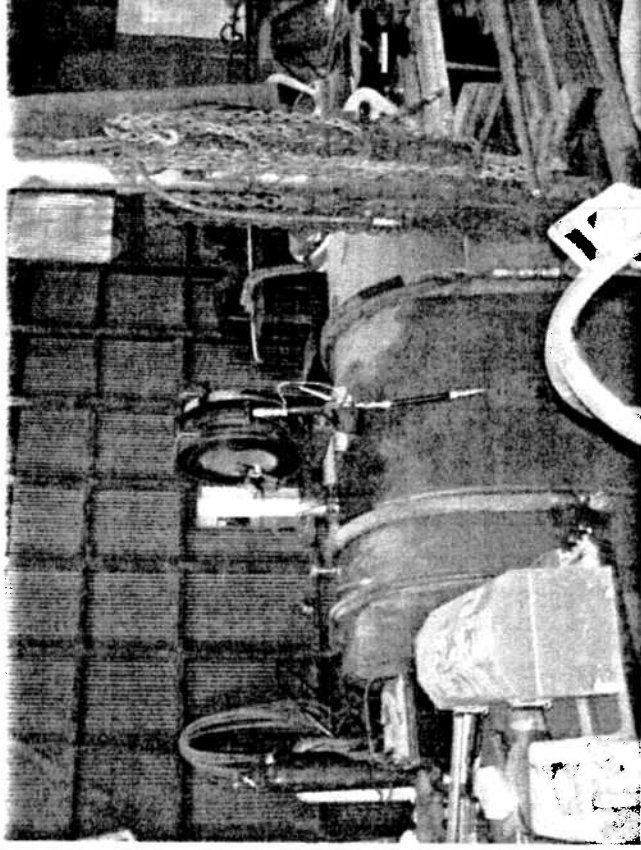
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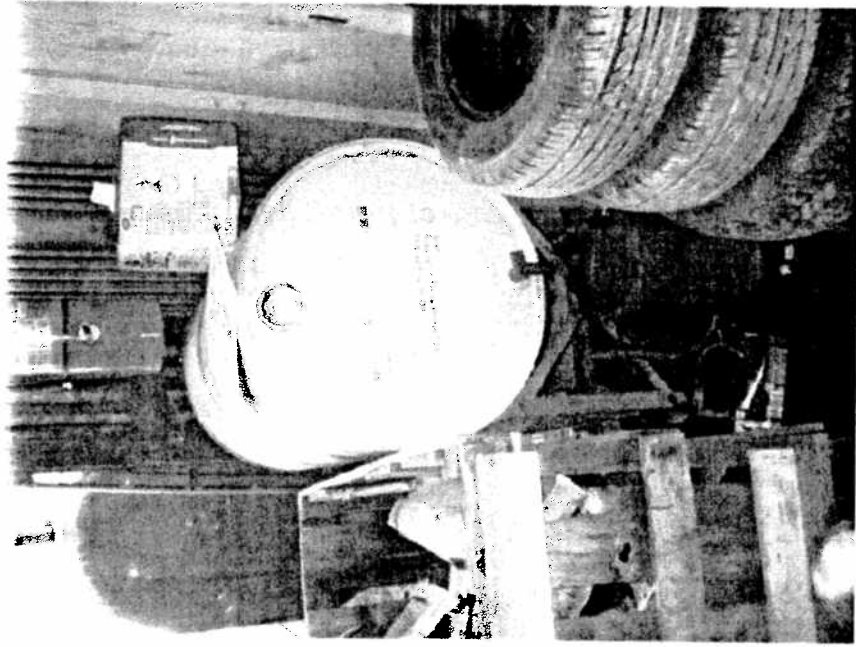


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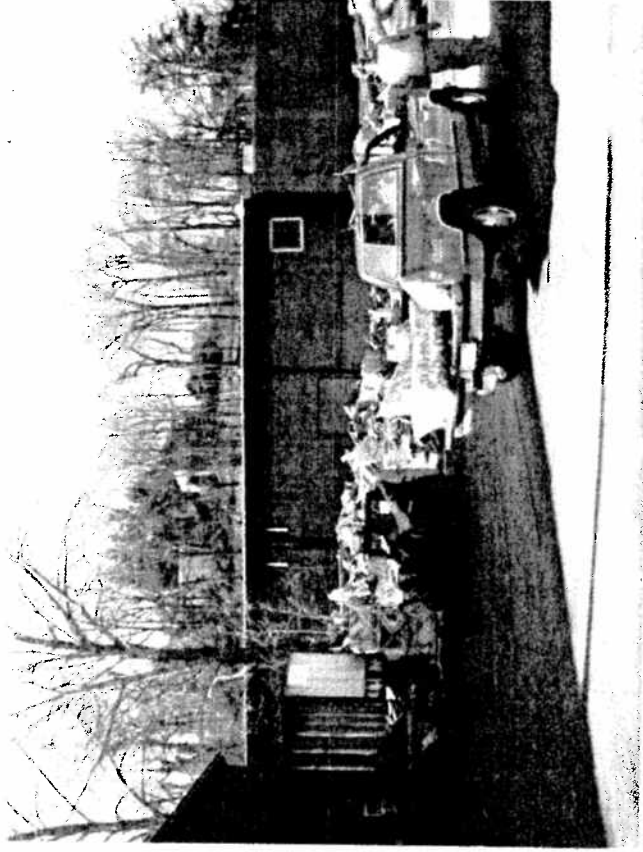
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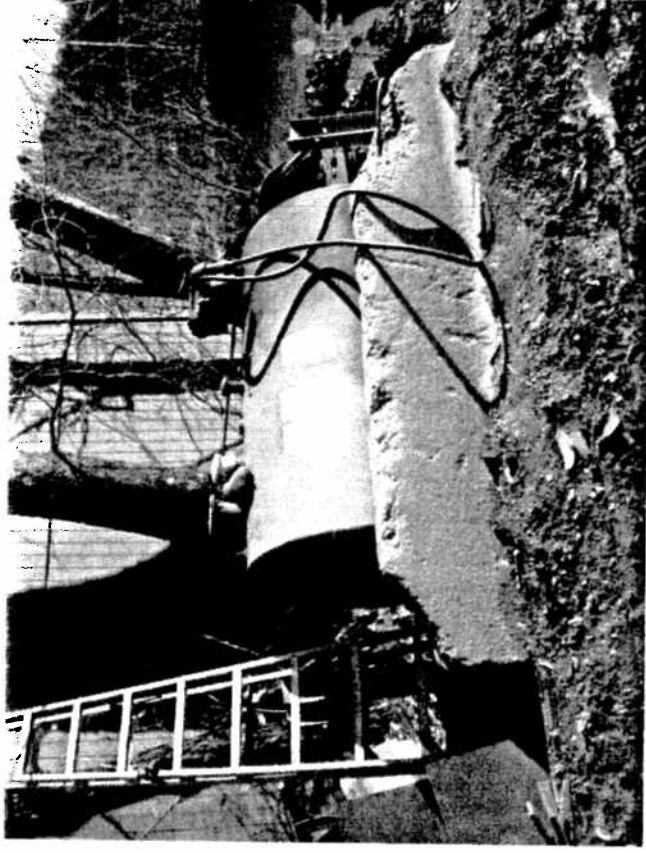
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# Biltmore Iron and Metal Co.



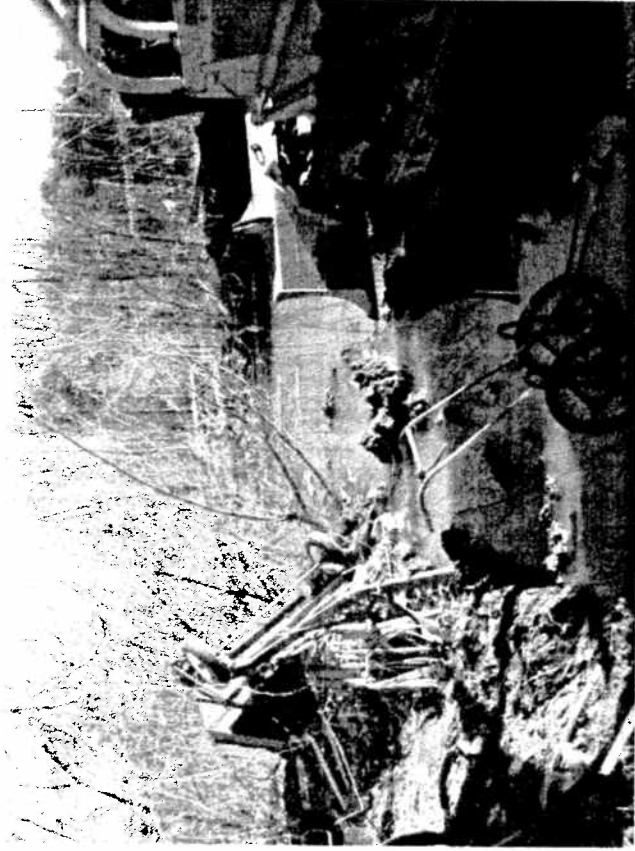
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# Biltmore Iron and Metal Co.



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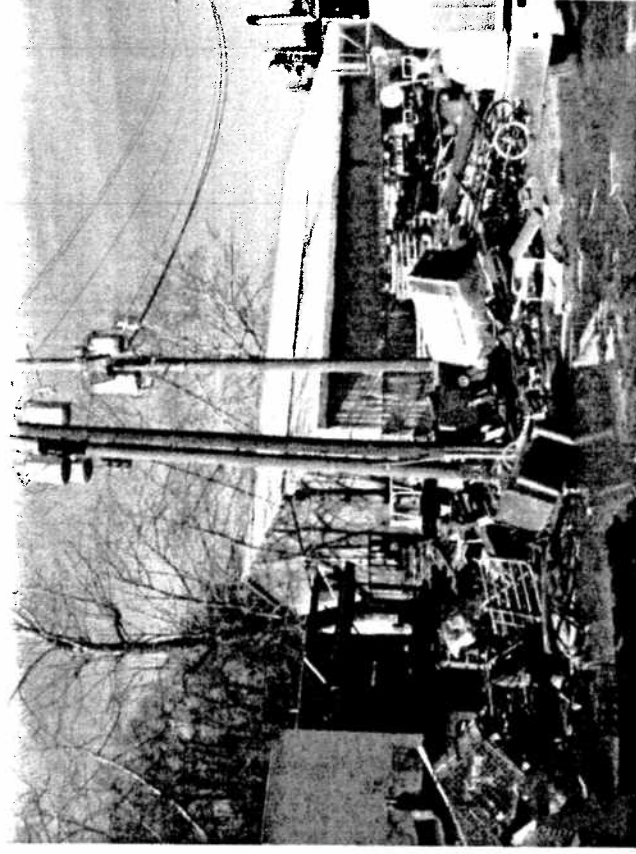
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# Biltmore Iron and Metal Co.



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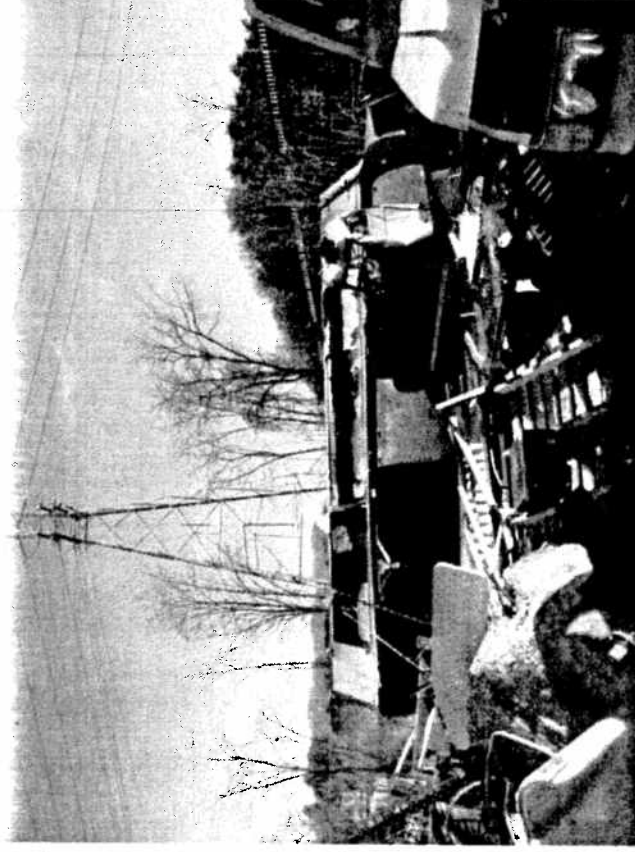




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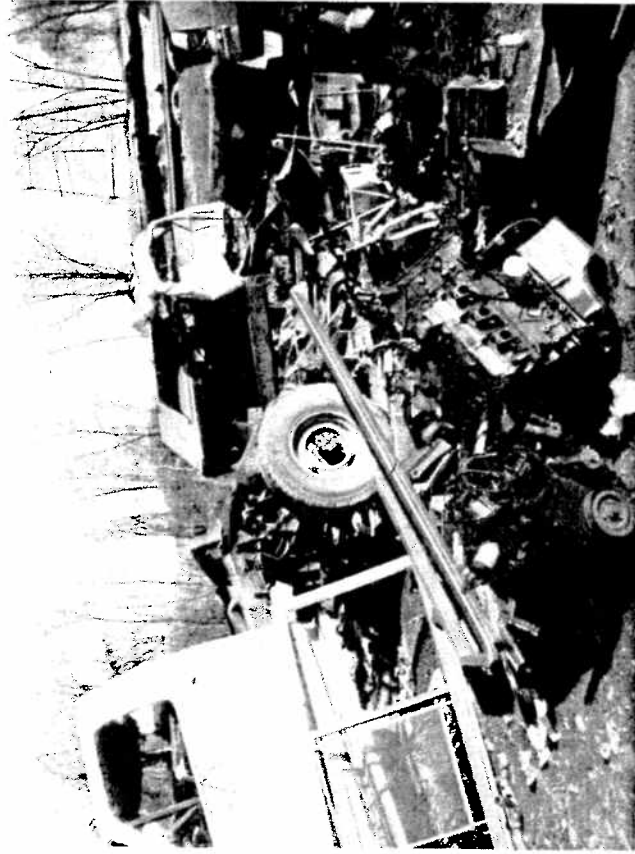
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# Biltmore Iron and Metal Co.



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# Biltmore Iron and Metal Co.



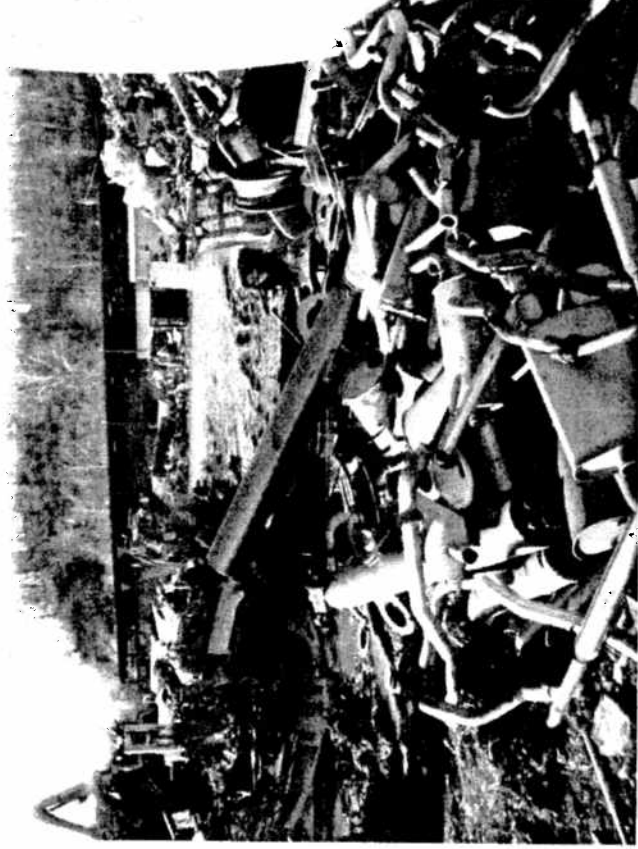
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# Biltmore Iron and Metal Co.



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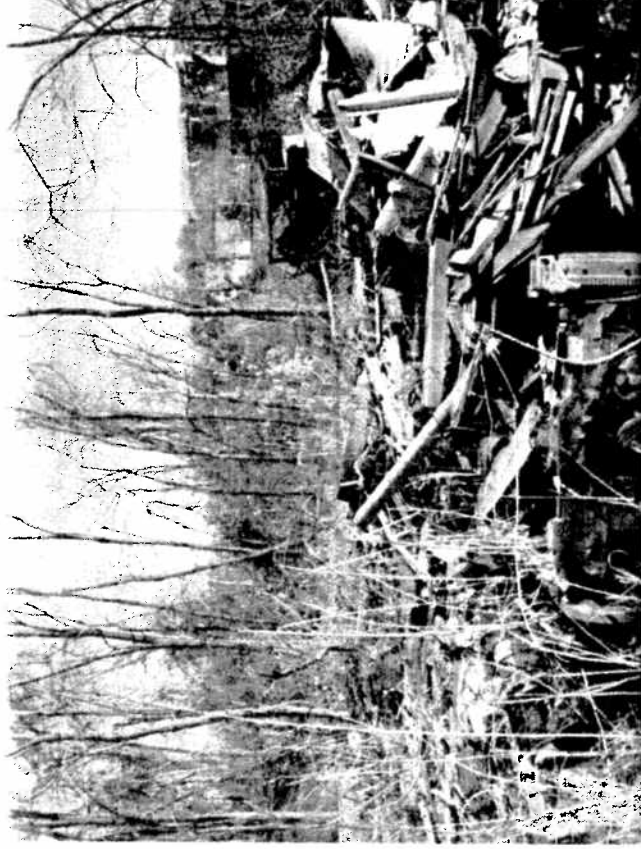




# Biltmore Iron and Metal Co.



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# Biltmore Iron and Metal Co.



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# Biltmore Iron and Metal Co.



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# Biltmore Iron and Metal Co.



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# Biltmore Iron and Metal Co.



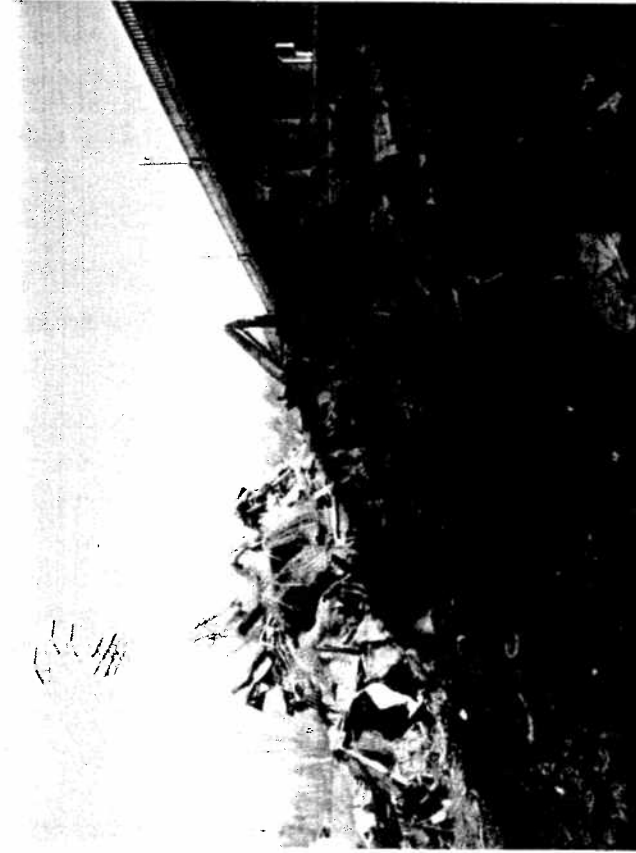
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# Biltmore Iron and Metal Co.



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# Biltmore Iron and Metal Co.



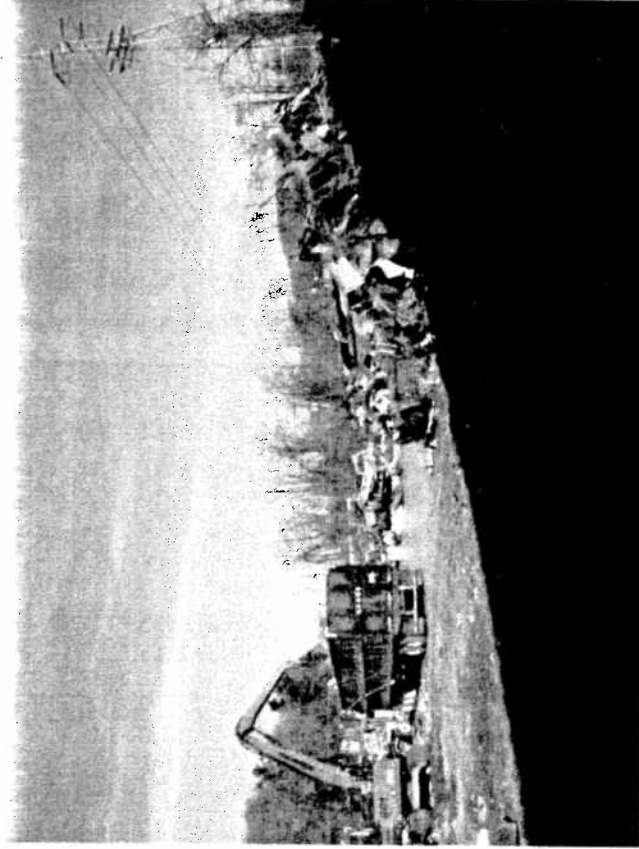
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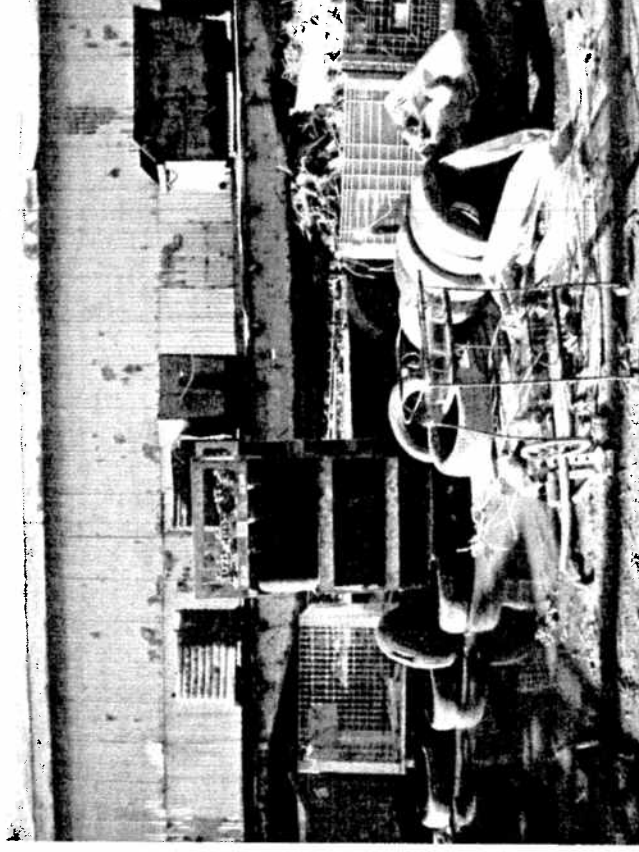
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# Biltmore Iron and Metal Co.



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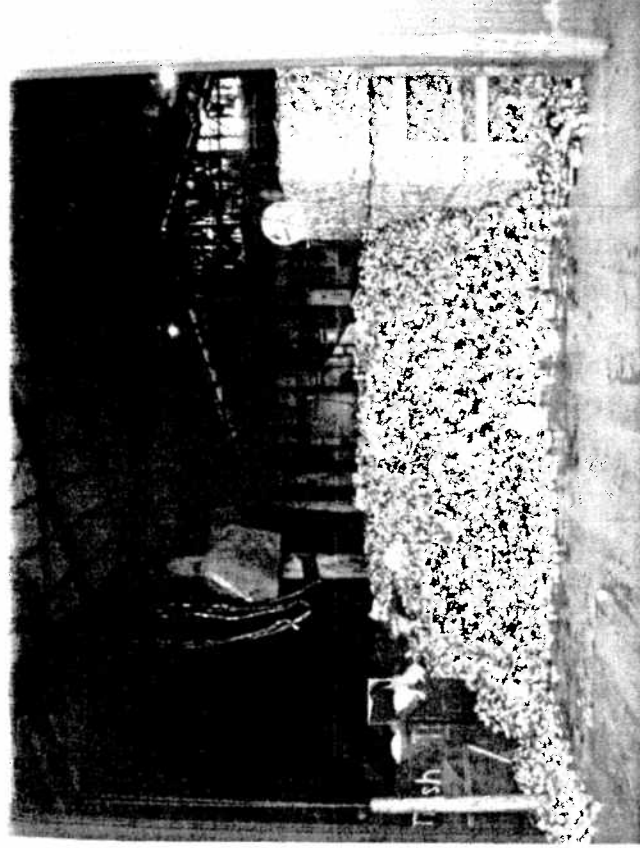




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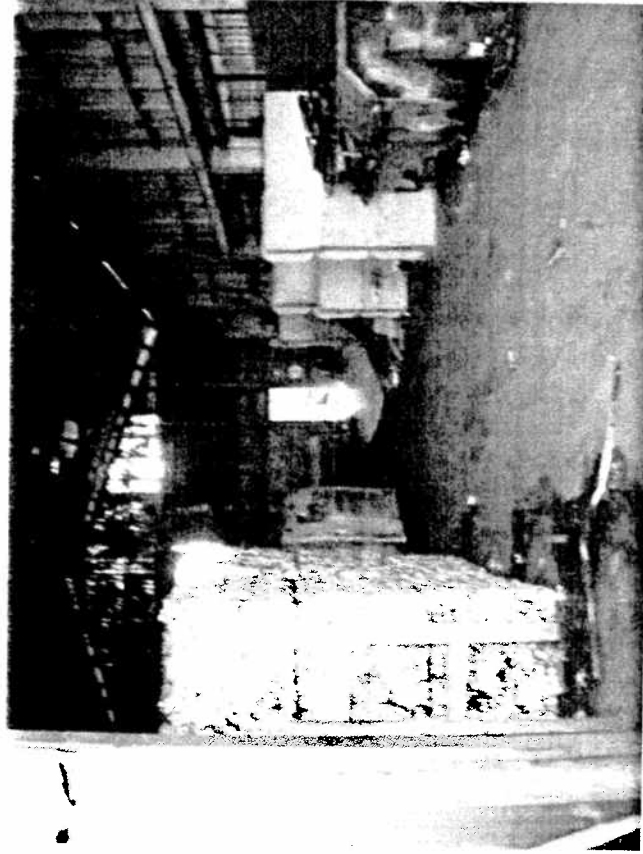
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# Biltmore Iron and Metal Co.



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